

CALIFORNIA BOARD OF OCCUPATIONAL THERAPY

INITIAL STATEMENT OF REASONS

Subject Matter of Proposed Regulations: Ethical Standards of Practice

Section Affected: Title 16, Division 39, California Code of Regulations, Section 4170

Introduction

The California Board of Occupational Therapy (Board) is the state agency that regulates the practice of occupational therapy. The Board's highest priority in exercising its licensing, regulatory, and disciplinary functions is to protect and promote the health, safety and welfare of California consumers. The Board administers, coordinates, and enforces provisions of the laws and regulations pertaining to occupational therapy.

Purpose

Current regulations provide that an occupational therapist or occupational therapy assistant that violates any ethical standard of practice is grounds for disciplinary action against their license. Licensees are required to comply with certain enumerated ethical standards of practice. This regulatory proposal seeks to add to the existing ethical standards of practice set forth in Section 4170, the requirement that licensees must also comply with the American Occupational Therapy Association's (AOTA) *Occupational Therapy Code of Ethics and Ethics Standards (2010)*.

Factual Basis/Rationale

Incorporating AOTA's *Code of Ethics and Ethics Standards (2010)* to the Board's existing regulations will further enhance its efforts and mission of protecting and promoting the health, safety, and welfare of California consumers. The proposed regulatory change will serve to:

- Identify and describe the principles accepted and supported by the occupational therapy profession.
- Inform the public of established principles to which occupational therapy practitioners are held accountable.
- Make transparent and normalize national standards of conduct expected of occupational therapy practitioners.
- Assist occupational therapy personnel in recognition and resolution of ethical dilemmas.

The Board's existing regulations relating to ethical standards of conduct do not contain the depth and breadth of the standards contained in the AOTA's *Code of Ethics and Ethics Standards (2010)*, which were developed to "address the most prevalent concerns of the profession in education, research, and practice."

In exercising the regulatory and discipline functions under the Board's authority, incorporation of AOTA's *Code of Ethics and Ethics Standards (2010)*, nationally recognized ethical standards, will address the concerns of many stakeholders, including the public, consumers, students, colleagues, employers, research participants, researchers, educators and practitioners while making clear the ethical standards expected of licensees under the Board's authority.

UNDERLYING DOCUMENT:

AOTA's Code of Ethics and Ethics Standards (2010).

BUSINESS IMPACT:

This regulation will not have a significant adverse economic impact on business.

ECONOMIC IMPACT ANALYSIS

Background

The purpose of the proposed regulatory action is to establish and expand existing regulations relating to ethical standards of practice for occupational therapy practitioners. The proposed regulatory action accomplishes its purpose by incorporating the American Occupational Therapy Association's *Code of Ethics and Ethics Standards (2010)*, into existing state regulations.

Creation or Elimination of Jobs Within California

The Board has determined the proposed regulatory action will not create or eliminate jobs within California for reasonable compliance with the proposed action. The proposed regulatory action expands, defines, and clarifies standards and principles held by the profession in the delivery of occupational therapy services to the public and do not have a direct correlation on creation or elimination of jobs for reasonable compliance.

Creation of New Business or Elimination of Existing Business Within California

The Board has determined the proposed regulatory action will not create new business or eliminate existing business within California for reasonable compliance with the proposed action. The Board does not anticipate that any healthcare or rehabilitation businesses seeking to establish itself in California, or that currently does business in California, would decline opening a business or close an existing business based on implementation of professional standards that are widely held, and nationally recognized.

Expansion of Business Within California

The Board has determined the proposed regulatory action will not expand business within California. The proposed regulatory action merely expands, defines, and clarifies standards and principles for the delivery of occupational therapy services to California consumers and does not contain any inducement for expansion of business.

Benefits of Regulations

The proposed regulatory action will promote and protect the health, safety, and welfare of California consumers by expanding, establishing, and clarifying, professional standards relating to the delivery of occupational therapy services to the public.

SPECIFIC TECHNOLOGIES OR EQUIPMENT:

This regulation does not mandate the use of specific technologies or equipment.

CONSIDERATION OF ALTERNATIVES:

No reasonable alternative to the regulation would be either more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulations.

In order to enforce provisions contained in this proposed regulatory action the Board would need to call on an expert witness to establish that these are current ethical standards in the state. This proposal not only gives notice by clearly stating the standards that practitioners are expected to adhere to, but also makes any enforcement action easier and clearer.